THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.11472 of 2006

Dated: 26-06-2006

Between:

S. Shyam Prasad.

..... PETITIONER

AND

State of A.P., rep. by its Special Chief Secretary,
Revenue Department, Hyderabad, and others.

.....RESPONDENTS

-

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.11472 of 2006

ORDER:

The father of the petitioner is allegedly the owner of the land admeasuring Acs.1.20 guntas in survey No.330 situated at Nizampet village, Qutbullapur Revenue Mandal, Rangareddy District, who purchased the same from one Vadla Lakshmaiah under a registered sale deed dated 08-03-1965. It is also alleged that they have been in possession of said land from the date of purchase. While so, the Government of Andhra Pradesh, in purported exercise of power under Section 22-A of the Registration Act, 1908 (the Registration Act, for brevity) as amended by the Registration (Andhra Pradesh Amendment) Act, 1999, issued a notification vide G.O.Ms.No.280 dated 09-03-2005, prohibiting registration of lands in various survey numbers including the survey number mentioned hereinabove as opposed to public policy, assailing which the present writ petition is filed.

Be it noted, a Division Bench of this Court in W.P.No.14099 of 2003 and batch by a common order dated 07-12-2005, struck down Section 22-A of the Registration Act following the decision of the Supreme Court in **State of Rajasthan and others vs. Basant Nahata**[1]**.**

It is also brought to the notice of this Court that a Division Bench of this Court in W.P.Nos.17325 of 2005 and batch by a common order dated 20-02-2006, again struck down a notification vide G.O.Ms.No.810 dated 14-10-2004 issued under Section 22-A of the Registration Act, following the decision of the Supreme Court observing as follows.

> As a sequel to the above, G.O.Ms.No.810 dated 14-10-2004 is also quashed. However, it is made clear that registration of the documents of the petitioners would remain subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

Following the above judgment, notification of the Government in G.O.Ms.No.280 dated 09-03-2005 is quashed. Any registration would be subject to final adjudication by the Supreme Court and if ultimately the Supreme Court upholds the validity of Section 22-A of the Registration Act (as applicable to state of Andhra Pradesh), registration of the documents by the petitioner shall stand automatically nullified.

The writ petition, subject to above observations and directions, is

accordingly allowed. No costs.

V.V.S.RAO, J

26th June, 2006
ghn

---

[1] 2005 AIR SCW 4456